

REMARKS/ARGUMENTS

The above-mentioned application is a National Phase entry of International Application PCT/DE05/00170. The Examiner relies on PCT rules 13.1 and 13.2 and contends that the species listed in the Office Action lack unity of invention because they lack the same or corresponding special technical features.

However, there is no provision in the PCT for making an election of species. Instead, the relevant provisions of the PCT refer only to the claimed subject matter. The concept of species is not known under the PCT. Further, according to PCT rule 13.4, the application should be permitted to contain dependent claims even where a feature of any of them could be considered as constituting an invention in itself. In this regard, the Examiner could be pointed to the fact that claim 26 (species II) is a dependent claim which depends on pending claim 1.

Moreover, the International Search Authority has already found that the pending claims do have unity of invention.

Withdrawal of the election of species requirement is respectfully solicited.

Applicants reserve the right to pursue the non-elected claims in a divisional application prior to issuance of a patent on the instant application.

Any additional fees or charges required at this time in connection with the application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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